

Procedure 1160.03: Background Investigations and Clearances

Reference: Policy No. 1160

Effective: 11/12/04

Prior Issue: 09/27/97

Purpose:

In accordance with ARS § 41-2814 (A) & (B), any person having direct contact with Arizona Department of Juvenile Corrections (ADJC) juveniles shall be subject to a background investigation (including fingerprinting, as needed) as a condition of paid or volunteer service. A background investigation shall be completed before a formal job offer is made or before a volunteer or intern proceeds with orientation or training. Fingerprint checks shall be conducted pursuant to ARS § 41-1750, subsection G, paragraph 1. The results of background investigations are confidential and shall be released on a need-to-know basis only.

Rules:

1. The **Background Investigator of the ADJC Inspections and Investigations Unit** shall determine the degree of clearance necessary to enter an ADJC secure facility. The degree of clearance shall be categorized in Groups A, B, and C.
2. There shall be three categories; they shall be identified as Group A, B and C. for investigation and clearance of persons entering an ADJC secure facility.
 - a. **Group A:** Individuals who provide direct services to juveniles on a regular basis or for a limited time, which is defined as 6 months or longer. **Contracted Providers** shall not allow employees to work directly with ADJC juveniles until the background information is completed, returned and cleared by the Background Investigator. **Group A** includes:
 - i. All ADJC new employees;
 - ii. Contract Service Providers
 - iii. Employees being rehired or reinstated;
 - iv. Volunteers;
 - v. Mentors (Not members of a juvenile's family) excluding law enforcement personnel and attorneys;
 - vi. Interns;
 - vii. Access will be allowed for individuals clearing the Computer Justice Information System (CJIS) contingent upon an applicant passing a complete investigation.
 - b. **Group B:** Individuals who are on site for a period of time less than 6 months and who are under continuous supervision. **Group B** includes:
 - i. Interns;
 - ii. Mentors;
 - iii. Volunteers;
 - iv. One time visitors.
 - c. **Group C:** Individuals or groups who require no formal background investigation clearance if they are on site in a secure facility only once, occasionally, and are under continuous supervision. **Group C** includes:
 - i. Juveniles' visitors (parents, family);
 - ii. Attorneys (Private investigators representing attorneys. Juveniles are permitted client/attorney privileged communication);
 - iii. Law enforcement personnel, legislative or gubernatorial personnel, special groups (drama, music, religion);
 - iv. Tour participants, sales representatives or vendors (service technicians, exterminator's);
 - v. Guests to the administrative offices or training;
 - vi. Consultants in a non-youth contact position approved by the ADJC Director;
 - vii. Pastors and/or religious groups;

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- viii. Contracted employees who are on site in an ADJC secure facility only once, or occasionally, and who are under continuous supervision. This includes contracted construction workers and consultants; except for those covered under group A or B.
- 3. Hospital employees, licensed medical personnel, and volunteers who provide services to juveniles in a health care facility located outside a secure facility and individuals qualifying in Group B and C of this procedure shall be exempted from fingerprinting requirements. These services shall be provided under the direct visual supervision of a Departmental employee or contracted security employee.
- 4. The **BACKGROUND INVESTIGATOR** shall initiate the background and clearances for the following groups:
 - a. **Group A:**
 - i. Background Investigation Questionnaire, Form 1160.03A
 - ii. Fingerprinting;
 - iii. Computer Justice Information System (CJIS);
 - iv. Law enforcement checks of agencies that reside where tickets were issued;
 - v. Verifying personal references;
 - vi. Verifying previous employment;
 - vii. Pre-employment substance abuse testing.
 - (1)Volunteers, contractors, and non-permanent employees do not require employment verification and reference checks.
 - b. **Group B:**
 - i. Computer Justice Information System (CJIS).
 - c. **Group C:**
 - i. No formal background check required.
- 5. **GROUP A INDIVIDUALS** residing in Maricopa County shall complete and submit the provided Fingerprint Information Sheet to Maricopa County Sheriffs Department for fingerprints. The Fingerprint Information Sheet shall be provided by the hiring authority.
 - a. The **MARICOPA COUNTY SHERIFF'S DEPARTMENT** will process the fingerprints and forward the results to the ADJC Background Investigator.
- 6. For **GROUP A INDIVIDUALS RESIDING OUTSIDE OF MARICOPA COUNTY:**
 - a. The hiring authority shall supply the applicant with a fingerprint card;
 - b. The applicant shall obtain fingerprints through their local law enforcement agency and return it to the hiring authority or the Background Investigator.
 - c. The hiring authority shall send the fingerprint card to the Background Investigator for processing;
 - d. The Background Investigator shall coordinate with the Department of Public Safety to obtain the results.
- 7. The Hiring Authority overseeing **GROUP B** shall conduct an informal review (Check identification, log name, call for references) to ensure the legitimacy of the person or organization.
- 8. **GROUP B** individuals shall obtain from the Hiring Authority, complete, and submit to the Hiring Authority, an ADJC Criminal History Information Request (1160.03B):
 - a. The Hiring Authority shall submit the form 1160.03B to the Background Investigator;
 - b. The Background Investigator shall complete an investigation utilizing CJIS;
 - c. The Hiring Authority shall request a complete background check if the individual stays longer than six months.

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9. The **SUPERINTENDENT, SECURITY CAPTAIN OR DESIGNEE** shall review and approve applications by formerly committed juveniles in order to enter an ADJC secure facility. **APPLICANTS** shall:
 - a. Provide verifiable legitimate reason for visit;
 - b. Pass a background investigation in accordance with appropriate group clearance criteria;
 - c. Be reviewed on a case by case basis regarding any exceptions.
10. The **SUPERINTENDENT, SECURITY CAPTAIN OR DESIGNEE** shall review and approve applications by former employees to enter an ADJC secure facility. The **APPLICANT** shall:
 - a. Provide a verifiable legitimate reason;
 - b. Has terminated employment with ADJC in good terms;
 - c. Pass a background investigation in accordance with appropriate group clearance criteria;
 - d. Be reviewed on a case by case basis for any exceptions.
11. The **BACKGROUND INVESTIGATOR, OR DESIGNEE**, shall review the forms for completion.
 - a. **BACKGROUND INVESTIGATOR** shall:
 - i. Return incomplete forms to the hiring authority/administrator;
 - ii. Log and use approved forms to request background clearance from Arizona Criminal Justice Information System (ACJIS), DPS, and FBI computerized record systems;
 - iii. Notify the Hiring Authority Administrator of results of ACJIS and any other relevant background;
 - iv. Notify the Security Captain, facility dispatch, and the hiring authority/administrator of the results of ACJIS as soon as available, via email;
 - v. Ensure that contracted individuals are cleared of warrants or criminal history prior to being assigned to work directly with juveniles.
12. The **DIRECTOR OR DESIGNEE** may request that a full background investigation be conducted on any visitor, intern, contractor, or employee at any time.
13. **ADJC FACILITY SUPERINTENDENT/ADMINISTRATOR** shall designate a liaison to the ADJC Background Investigator. The **LIAISON** shall maintain an adequate supply of the following forms required to complete a background investigation:
 - a. FBI fingerprint card;
 - b. Background Investigation Questionnaire, Form 1160.03A;
 - c. Criminal History Information Request, Form 1160.03B;
 - d. Fingerprint Information Sheet;
 - e. Reference form.
14. The **BACKGROUND INVESTIGATOR OR DESIGNEE** shall immediately refer felony or misdemeanor warrants discovered during the background investigation to the Director. The **DIRECTOR OR DESIGNEE** shall contact the issuing authority and, if requested, provide assistance in the person's apprehension.
15. The **BACKGROUND INVESTIGATOR** shall notify the hiring authority of the results of the CJIS part of the background investigation. The **HIRING AUTHORITY** may provisionally accept the "Approved" Group A individual prior to the completed background investigation.
16. **CERTIFIED AND SWORN ARIZONA PEACE OFFICER STANDARDS AND TRAINING (AZ-POST) INSPECTIONS AND INVESTIGATIONS UNIT PERSONNEL** may attempt to detain or apprehend a person whose warrant is discovered during a background investigation. Under no circumstances shall any other non-sworn ADJC employee intervene.

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17. Upon completion of the background investigation, the **BACKGROUND INVESTIGATOR OR DESIGNEE** shall forward via email the Group A applicant's background information to the hiring authority. The **HIRING AUTHORITY** shall approve the application or:
 - a. Deny the application based on criminal history, false or misleading information provided by the applicant; or
 - b. Temporarily deny the application pending the submission of additional information; and
 - c. Return the approved or denied recommendation to the hiring authority within one business day.
18. The **DIRECTOR, OR HIS/HER DESIGNEE OR BACKGROUND INVESTIGATOR** shall ensure that any person having direct contact with ADJC juveniles is subjected to a background investigation (including finger printing, as needed) as a condition of paid or volunteer service.
19. The approval of the application is based whether the applicant is awaiting trial or has been convicted of the following criminal offenses pursuant to ARS §41-2814:
 - a. Sexual abuse of a minor;
 - b. Incest;
 - c. First or second degree murder;
 - d. Kidnapping;
 - e. Arson;
 - f. Sexual assault;
 - g. Sexual exploitation of a minor;
 - h. Felony offenses involving contributing to the delinquency of a minor;
 - i. Commercial sexual exploitation of a minor;
 - j. Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs;
 - k. Felony offenses involving the possession or use of marijuana, dangerous drugs or narcotic drugs;
 - l. Burglary;
 - m. Aggravated or armed robbery;
 - n. Robbery;
 - o. A dangerous crime against children as defined in ARS §13-604.01;
 - p. Child abuse;
 - q. Sexual conduct with a minor;
 - r. Molestation of a child;
 - s. Manslaughter;
 - t. Assault or aggravated assault;
 - u. Exploitation of minors involving drug offenses;
 - v. A violation of ARS §§28-1381, 28-1382 or 28-1383.
 - i. Driving or actual physical control while under the influence;
 - ii. Driving or actual physical control while under the extreme influence of intoxicating liquor;
 - iii. Aggravated driving or actual physical control while under the influence;
 - w. Offenses involving domestic violence.
20. The **DIRECTOR OR DESIGNEE** shall evaluate all misdemeanor convictions and misdemeanor charges pending in a court of law. The **DIRECTOR, or DESIGNEE, OR BACKGROUND INVESTIGATOR** shall:
 - a. Evaluate applications for employment on a case by case basis;
 - b. Evaluate applications for entrance into an ADJC secure facility;
 - c. Electronically transmit applicant approval or denial via e-mail to the hiring authority. The transmittal shall not contain any confidential background or personal information of the pending applicant;

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21. All **ADJC CONTRACTORS** shall ensure all employees engaged in direct contact with committed juveniles comply with the terms and conditions of their contract regarding fingerprint requirements and background investigations.

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